

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 28, 2016

AMENDED IN ASSEMBLY APRIL 19, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2176**

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**Introduced by Assembly Member Campos**

February 18, 2016

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An act to amend Section 8698 of, and to add and repeal Section 8698.3 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2176, as amended, Campos. Shelter crisis: emergency bridge housing communities.

Existing law authorizes a *governing body of a* political subdivision, as defined, to declare a shelter crisis if the governing body ~~of that political subdivision~~ makes a specified finding. Existing law authorizes a political subdivision to allow persons unable to obtain housing to occupy designated public facilities, as defined, during the period of a shelter crisis. Existing law provides that certain state and local laws, regulations, and ordinances are suspended during a shelter crisis, to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

This bill, until January 1, 2022, upon a declaration of a shelter crisis by the City of San Jose would authorize emergency housing to include an emergency bridge housing community, as defined, for the homeless. The bill, in lieu of state and local building, housing, health, habitability,

or safety standards and laws, would authorize the city to enact local standards for emergency bridge housing communities to be operative during the shelter crisis, as provided. The bill would require the city, among other things, to match each resident of an emergency bridge housing community to an affordable housing unit identified in the city’s housing plan that will be available for the resident to live in on or before January 1, 2022, and develop a plan for emergency bridge housing communities to include on-site supportive services. The bill would further require the city to annually report to the Legislature specific information on emergency bridge housing communities, including, among other information, the number of residents in every emergency bridge housing community and the actual and projected number of permanent affordable housing units available through January 1, 2022.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of San Jose.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8698 of the Government Code is amended
- 2 to read:
- 3 8698. For purposes of this chapter, the following definitions
- 4 shall apply:
- 5 (a) “Political subdivision” includes the state, any city, city and
- 6 county, county, special district, or school district or public agency
- 7 authorized by law.
- 8 (b) “Governing body” means the following:
- 9 (1) The Governor for the state.
- 10 (2) The legislative body for a city or city and county.
- 11 (3) The board of supervisors for a county.
- 12 (4) The governing board or board of trustees for a district or
- 13 other public agency.
- 14 (5) An official designated by ordinance or resolution adopted
- 15 by a governing body, as defined in paragraph (2), (3), or (4).
- 16 (c) “Public facility” means any facility of a political subdivision
- 17 including parks, schools, and vacant or underutilized facilities
- 18 which are owned, operated, leased, or maintained, or any
- 19 combination thereof, by the political subdivision through money
- 20 derived by taxation or assessment.

1 (d) “Declaration of a shelter crisis” means the duly proclaimed  
2 existence of a situation in which a significant number of persons  
3 are without the ability to obtain shelter, resulting in a threat to their  
4 health and safety.

5 (e) “Emergency bridge housing community” means any new or  
6 existing facilities, including, but not limited to, housing in  
7 temporary structures, such as camping cabins or recreational  
8 vehicles that are reserved for homeless persons and families and  
9 located on property leased or owned by a political subdivision.  
10 Those facilities shall include supportive and self-sufficiency  
11 development services, have the ultimate goal of moving homeless  
12 persons to permanent housing as quickly as reasonably possible,  
13 and limit rents and service fees to an ability-to-pay formula  
14 reasonably consistent with the United States Department of  
15 Housing and Urban Development’s requirements for subsidized  
16 housing for low-income persons.

17 SEC. 2. Section 8698.3 is added to the Government Code, to  
18 read:

19 8698.3. Notwithstanding any other provisions in this chapter,  
20 upon a declaration of a shelter crisis by the City of San Jose, the  
21 following shall apply during a shelter crisis:

22 (a) Emergency housing may include an emergency bridge  
23 housing community for the homeless located or constructed on  
24 any city-owned or city-leased land, including land acquired with  
25 low- and moderate-income housing funds.

26 (b) (1) The city may, in lieu of state and local building, housing,  
27 health, habitability, or safety standards and laws, enact local  
28 standards for emergency bridge housing communities to be  
29 operative during the shelter crisis ~~consistent~~ *if both of the following*  
30 *requirements are met:*

31 (A) *The local standards for emergency bridge housing*  
32 *communities are consistent with ensuring minimal public health*  
33 *and safety.* ~~During~~

34 (B) *The city determines at the time of the enactment that strict*  
35 *compliance with state and local standards or laws in existence at*  
36 *the time of the enactment would in any way prevent, hinder, or*  
37 *delay the mitigation of the shelter crisis.*

38 (2) *During the shelter crisis, provisions of any state or local*  
39 *regulatory statute, regulation, or ordinance prescribing standards*  
40 *of building, housing, health, habitability, or safety standards or*

1 laws shall be suspended for the emergency bridge housing  
 2 communities provided that the city has adopted health and safety  
 3 standards for emergency bridge housing communities *consistent*  
 4 *with ensuring minimal public health and safety* and those standards  
 5 are complied with. Landlord tenant laws codified in Sections 1941  
 6 to 1942.5, inclusive, of the Civil Code providing a cause of action  
 7 for habitability or tenantability, shall be suspended for the  
 8 emergency bridge housing communities provided that the city has  
 9 adopted health and safety standards for emergency bridge housing  
 10 communities and those standards are complied with. ~~This~~

11 (3) *This* section applies only to a public facility or an emergency  
 12 bridge housing community reserved for the homeless pursuant to  
 13 this chapter.

14 (c) An emergency bridge housing community constructed or  
 15 allowed under this chapter shall not be subject to the Special  
 16 Occupancy Parks Act (Part 2.3 (commencing with Section 18860)  
 17 of Division 13 of the Health and Safety Code), the Mobilehome  
 18 Parks Act (Part 2.1 (commencing with Section 18200) of Division  
 19 13 of the Health and Safety Code), or the Mobilehome Residency  
 20 Law (Chapter 2.5 (commencing with Section 798) of Title 2 of  
 21 Part 2 of Division 2 of the Civil Code).

22 (d) An emergency bridge housing community that complies  
 23 with the applicable requirements of the Americans with Disabilities  
 24 Act of 1990 (Public Law 101-336), as amended by ADA  
 25 Amendments Act of 2008 (Public Law 110-325), shall be exempt  
 26 from Part 2.5 (commencing with Section 54) of Division 1 of the  
 27 Civil Code and actions thereunder for the duration of the shelter  
 28 crisis.

29 (e) The city shall match each resident of an emergency bridge  
 30 housing community to an affordable housing unit identified in the  
 31 city’s housing plan that shall be available for the resident to live  
 32 in on or before January 1, 2022.

33 (f) On or before July 1, 2017, the city shall develop a plan for  
 34 every emergency bridge housing community to include on-site  
 35 supportive services. The city shall make the report publicly  
 36 available.

37 (g) On or before January 1, 2018, and annually thereafter, the  
 38 city shall report to the Legislature the number of residents in every  
 39 emergency bridge housing community, the number of residents  
 40 who have moved from an emergency bridge housing community

1 into permanent affordable housing, the average time required for  
2 a resident to receive a permanent affordable housing unit, and the  
3 actual and projected number of permanent affordable housing units  
4 available through January 1, 2022.

5 (h) This section shall remain in effect only until January 1, 2022,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2022, deletes or extends that date.

8 SEC. 3. The Legislature finds and declares that a special law  
9 is necessary and that a general law cannot be made applicable  
10 within the meaning of Section 16 of Article IV of the California  
11 Constitution because of the unique need to address the problem  
12 of homelessness in the City of San Jose.

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